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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PRONE, JASON D

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/787,173	<b>Applicant(s)</b> ANTON, CON	
	<b>Examiner</b> Jason Prone	<b>Art Unit</b> 3724	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other: .  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: In Figures 1 and 5, item "50". In Figure 6, item "51". A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the structure that can move the work piece "automatically", in claims 12 and 13, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities: On page 4 lines 8 and 19, the personal reference "I may provide" should be removed and the grammar in each sentence corrected.

Appropriate correction is required.

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

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The following title is suggested: "An Apparatus and a Method for Manufacturing Complex Shapes".

***Claim Objections***

5. Claims 1, 10, and 12 are objected to because of the following informalities: On lines 3 and 4, the phrase "...the cutting tool on a predetermined, but transversely variable path..." should be replaced with "...the cutting tool on a transverse, predetermined variable path...".

In claim 10 lines 2-3, the phrase "...a stop member against which the material to be cut be butted..." should be replaced with "...a stop member which the material to be cut can be butted against ...".

Claim 12 does not make sense due to errors with the grammar.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 2-13 and 15-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 2 recites the limitations "the underside", "the final shape", and "the saw" on lines 1, 2, and 4 respectively. There is insufficient antecedent basis for these limitations in the claim.

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9. Claim 5 recites the limitation "the radius of curvature" on line 3. There is insufficient antecedent basis for this limitation in the claim.
10. Claim 6 recites the limitation "the material to be cut" on lines 2-3. There is insufficient antecedent basis for this limitation in the claim.
11. Claim 7 recites the limitation "the material to be cut" on line 3. There is insufficient antecedent basis for this limitation in the claim.
12. Claim 8 recites the limitations "the material to be cut" and "the stop member" on lines 1 and 2 respectively. There is insufficient antecedent basis for this limitation in the claim.
13. Claim 9 recites the limitations "the position", "the required location", and "the material to be cut" on lines 2 and 3 respectively. There is insufficient antecedent basis for these limitations in the claim.
14. Claim 10 recites the limitation "the material to be cut" on lines 2-3. There is insufficient antecedent basis for this limitation in the claim.
15. Claim 11 recites the limitations "the same shape", "the required cut", "the material to be cut", "the position", and "the cut being made" on lines 3-5. There is insufficient antecedent basis for this limitation in the claim.
16. Claim 12 recites the limitations "the material", "the blade", and "the return" on lines 3-5. There is insufficient antecedent basis for these limitations in the claim.
17. Claim 13 recites the limitations "the return" and "the material" on lines 1 and 2 respectively. There is insufficient antecedent basis for this limitation in the claim.

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18. Claim 15 recites the limitation "the step" on lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

19. Claim 16 recites the limitations "the underside", "the required shape", and "the cut" on lines 1-2. There is insufficient antecedent basis for these limitations in the claim.

20. Claim 18 recites the limitations "the side", "the same shape", "the final cut", and "the point of cut" on lines 2, 3, and 5 respectively. There is insufficient antecedent basis for these limitations in the claim.

21. Claim 20 recites the limitation "the longitudinal axis" on line 2. There is insufficient antecedent basis for this limitation in the claim.

22. Applicant should note that the limitations such as "clamp means" on line 4 of claim 6 and "guide means" on line 4 of claim 15 are not in compliance with the Supplemental Guidelines published in the Official Gazette on July 25, 2000. Such limitations cannot be used to invoke 35 USC 112, 6<sup>th</sup> paragraph, and have therefore been given their broadest reasonable interpretation, without considering equivalence.

***Claim Rejections - 35 USC § 102***

23. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

24. Claims 1, 6, 11, 15, and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Suwitoadji.

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Suwitoadji discloses the same invention including a cutting tool (14), a carrier (22), a guide means (C) for moving the carrier past the cutting tool on a predetermined, transversely variable path (Fig. 1), that the work piece carried can be cut reproducibly to size (Fig. 1), that the carrier has a body member on which the work piece can be located (Fig. 2) and a clamp means (36) associated with the body member (Fig. 3), that an edge of the carrier is directed towards the cutting tool (Fig. 1) and is shaped to the same shape as the required cut (Fig. 1), that the material can be moved transversely relative to the blade after completion of a cut and return to the initial position (Fig. 1), and in light of the rejection above the method of claims 15 and 17-19 is inherent.

#### ***Allowable Subject Matter***

25. Claims 2-5, 7-10, 12-13, 16, and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kern, Wrigley, Maxwell, Clover et al., Catudal, Pourtauborde, Bielski, Wagner, Williams, Krause, Bengel, Appleton et al., Edwards, Jentsch, Hepler, VanSickle, Schell ('826), Schell ('842), Rhodes, McKibbin et al., Weaver, Witt, Kirby, Blackshear, and Benuzzi.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen N. Shoap can be reached on 703-308-1082. In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



JP  
January 15, 2003



Allen N. Shoap  
Supervisory Patent Examiner  
Group 3700